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GOVERNMENT GAZETTE

BOLETIM OFICIAL

SUPPLEMENT

(No. 2)

(SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Law Department

Notification

Whereas by sub-section (2) of section 33 of the Government of Union Territories Act, 1963 (20 of 1963), the Administrator of Goa, Daman and Diu is empowered to make modifications and adaptations in the rules of procedure with respect to the Legislative Assembly of Uttar Pradesh (hereinafter referred to as the said rules) in their application in relation to the Legislative Assembly of Goa, Daman and Diu;

Now, therefore, in exercise of the powers conferred by the said Act and all other powers enabling him in that behalf, the Administrator of Goa, Daman and Diu hereby makes in the said rules the modifications and adaptations specified in the Schedule below and as from the 20th of December, 1963, the said rules shall have effect subject to those modifications and adaptations.

SCHEDULE

In the said rules, —

1. wherever the expression «Uttar Pradesh» or «Governor» occurs, unless the expression is by this notification directed to be otherwise modified, or adapted, or to be omitted, there shall be substituted therefor the expression «Goa, Daman and Diu» or «Administrator» respectively;

2. The marginal references to the articles of the Constitution shall be omitted;

3. Rule 2 shall be omitted;

4. In rule 3, —

(i) In sub-rule (1),

(a) before the definition of «Article», the following definitions shall be inserted, namely:

«Act» means the Government of Union Territories Act, 1963»;

«Administrator» means the Administrator of the Union Territory of Goa, Daman and Diu»;

(b) in the definition of «Assembly», the words and brackets «(Vidhan Sabha, Uttar Pradesh)» shall be omitted;

(c) the definition of «Council» shall be omitted;

(d) in the definition of «Deputy Speaker», the word and brackets «(Upadhyaksha)» shall be omitted;

(e) for the definition of «Gazette», the following shall be substituted, namely: —

«Gazette» means the «Goa Gazette»;

(f) the definitions of «Governor», «Houses» and «Joint Select Committee» shall be omitted;

(g) for the definition of «Legislature», the following definition shall be substituted, namely: —

«Legislature» means the «Legislative Assembly of Goa, Daman and Diu»;

(h) in the definition of «Member», the words «and Advocate General of U. P.» shall be omitted;

- (i) in the definition of "Member-in-charge of the Bill", the words "or when the Bill has been transmitted from the Council, the Minister or the member who has given notice of his intention to move that the Bill be taken into consideration" shall be omitted;
 - (j) in the definition of "Precincts of the House", for the words "in the Vidhan Bhawan", the words "in the building in which the Assembly meets" shall be substituted;
 - (k) in the definition of "Prerogue", for the words, brackets, letter and figures "sub-clause (a) of clause (2) of Article 174", the words, brackets, letter and figures "clause (a) of sub-section (2) of section 6" shall be substituted;
 - (l) for the definition of "Secretary", the following shall be substituted, namely:—
«"Secretary" means the Secretary to the Assembly and includes any other person for the time being performing the duties of the Secretary»;
 - (m) after the definition of "Secretary", the following definition shall be inserted, namely:—
«"Section" means a section of the Act»;
 - (n) in the definition of "Session"—
 - (i) for the word, figures and brackets "Articles 174 (1)", the words, figures and bracket "Sub-section (1) of section 6" shall be substituted;
 - (ii) for the words, brackets and figures "Clause (2) thereof", the words, brackets and figure "sub-section (2) of that section" shall be substituted;
 - (o) in the definition of Speaker, the word and brackets "(Adhyaksha)" shall be omitted;
 - (ii) in sub-rule (2), for the "words in the Constitution" wherever they occur, the words "in the Constitution or in the Act" shall be substituted;
5. in rule 5, —
- (i) for the word and figures "Article 188", the word and figures "Section 11" shall be substituted;
 - (ii) for the words «the third Schedule of the Constitution», the words "the First Schedule of the Act" shall be substituted;
6. in rule 7, for the word and figures "Article 193", wherever they occur, the word and figures "section 15" shall be substituted;
7. after rule 10, the following rule shall be inserted, namely:—
- "10-A. Power of other person to perform the duties of the office of, or to act as, Speaker. — While the offices of both the Speaker and the Deputy Speaker are vacant, the duties of the office shall be performed by such member of the Assembly as the Administrator may appoint for the purpose";*
8. in rule 11, for the word "ten", the word "four" shall be substituted;
9. in rule 12 and 15, for the words "the Constitution", wherever they occur, the words "the Act" shall be substituted;
10. in rule 17, for the word "one-tenth", the word "one-third" shall be substituted;
11. rule 20 shall be omitted;
12. in rule 21, for the word, figures and brackets "Article 175 (1) wherever they occur, the words, figures and brackets "sub-section (1) of section 9" shall be substituted;
13. in rule 22, for the word, figures and brackets "Article 175 (2)" wherever they occur, the words, figures and brackets "sub-section (2) of section 9" shall be substituted;
14. in rule 23, in sub-rule (1), after the words "of every member" the words "and the Administrator" shall be inserted;
15. in rule 29, in clause 14, for the word "either", the word "the" shall be substituted;
16. in rule 61, sub-rule (2), for the word "one-twelfth", the word "one-sixth" shall be substituted;
17. in clause (7) of rule 76, for the word and figures "Article 194", the word and figures "section 16" shall be substituted;
18. in rule 83, —
- (i) in the heading, for the words "a House by a Member, Officer or Servant of another House", the words "the House by a Member, Officer or Servant of another Legislature" shall be substituted;
 - (ii) the words "the other House or", wherever they occur, shall be omitted;
 - (iii) for the word "this" occurring at three places before the word "House", the word "the" shall be substituted;
 - (iv) for the word "that House", the word "that Legislature" shall be substituted;
 - (v) the words "House or" occurring after the words "the Presiding Officer of the" and before the words "Legislature concerned" shall be omitted.
19. after rule 83, the following rule shall be inserted, namely:—
- "83-A. Application of this chapter to persons entitled to take part in the proceedings of the Assembly. —*
- The foregoing provisions of this Chapter shall apply in relation to persons who, by virtue of the Act, have the right to speak in, and otherwise take part in the proceedings of, the Assembly, or any Committee thereof, as they apply in relation to members of the Assembly".
20. in rule 106, for the words "the Constitution", the words "the Constitution or by the Act" shall be substituted;
21. in rule 113, clause (x) shall be omitted;

22. in rule 114, in clause (a) of the proviso the words "or a Joint-Select Committee" shall be omitted;

23. in rule 115, sub-rule (1), for the word and figures "Article 204", the word and figures "section 29" shall be substituted;

24. in rule 118, in sub-rule (2), for the words "or the recommendation of the Governor", the words "or the previous sanction or the recommendation of the Administrator" shall be substituted;

25. in rule 119, in the proviso, for the words, "by both the Houses and assented to by the President or the Governor, as the case may be", the words "by the House and assented to by the President" shall be substituted;

26. rule 123 shall be omitted;

27. in rule 124, in clause (a) of sub-rule (2), for the words and figures "Articles 200 and 201", the word and figures "section 25" shall be substituted;

28. in rule 130, —

- (i) clause (c) shall be omitted;
- (ii) the first proviso to the rule shall be omitted;
- (iii) the word "further" occurring in the second proviso shall be omitted;

29. in rule 132, —

- (i) the words "or a Joint Select Committee" wherever they occur shall be omitted;
- (ii) in sub-clause (b) of sub-rule (2), the words "that the Bill be referred to a Joint Select Committee or a Select Committee, as the case may be, or" shall be omitted;
- (iii) the proviso to sub-rule (3) shall be omitted;

30. in rule 133, —

- (i) the words "or a Joint Select Committee" shall be omitted;
- (ii) the words "and Joint Select Committee" occurring in the Note shall be omitted;

31. for rule 134, the following rule shall be substituted, namely: —

"134. *Motion that may be moved after presentation of report of Select Committee.* —

(1) After the presentation of the final report of the Select Committee of the House on the Bill, the member in charge may move —

- (a) that the Bill, as reported by the Select Committee of the House, be taken into consideration;

Provided that any member may object to the report being so taken into consideration if a copy of the report has not been made available for the use of the members for three days before the day on which the motion is made and such objection shall prevail, unless the Speaker allows the report to be taken into consideration; or

- (b) that the Bill, as reported by the Select Committee of the House, be recommitted to the

same Select Committee or to a new Select Committee, either —

- (i) without limitation; or
- (ii) with respect to particular clauses or amendments only; or
- (iii) with instructions to the Committee to make some particular or additional provision in the Bill; or
- (c) that the Bill, as reported by the Select Committee of the House, be circulated or re-circulated, as the case may be, for the purpose of eliciting opinion or further opinion thereon.

(2) If the member in charge moves that the Bill, as reported by the Select Committee of the House, be taken into consideration, any member may move as an amendment that the Bill be recommitted or be circulated or re-circulated for the purpose of eliciting opinion of further opinion thereon",

32. after rule 135, the heading "(D) Joint Select Committee" and rules 136 and 137 occurring thereunder shall be omitted;

33. for rule 140, the following rule shall be substituted, namely: —

"140 *Sanction of the President or the sanction or recommendation of the Administrator to be annexed to notice of amendment.* —

(1) if Government desire to move an amendment, which under the Constitution or the Act cannot be moved without the previous sanction of the President or the previous sanction or recommendation of the administrator, they shall annex to the required notice a copy of such sanction or recommendation and the notice shall not be valid until this requirement is complied with.

(2) if a private member gives notice of an amendment which, in the opinion of the Speaker, cannot be moved without the previous sanction of the President or the previous sanction or recommendation of the Administrator, the Speaker shall, as soon as may be after the receipt of the notice, refer the amendment to the President or the Administrator, as the case may be.

34. rules 150 to 159 shall be omitted;

35. in rule 160, the words "or the Governor, as the case may be" shall be omitted;

36. for rule 161, the following rule shall be substituted, namely: —

"161. *Assent to Bill.* — (1) After the Secretary has made verbal or consequential amendments under rule 149, the Bill shall be submitted to the Speaker for his signature and it shall, if approved as correct, be signed by him.

(2) After the Speaker has signed a Bill, it shall be submitted to the Administrator who shall reserve it for the consideration of the President. If the assent of the President has been given, the Bill shall be published in the Gazette as an Act of the Legislature assented to by the President.

37. in rule 162, for the word "Governor's" the word "President's" shall be substituted;

38. after rule 162, the heading "(J) Procedure regarding Bills introduced in the Council" and rules 163 to 170 occurring thereunder, shall be omitted;

39. in rule 171, for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) Thereafter the same procedure, as laid down for the disposal of the Bills in the Assembly shall be followed”;

40. rules 174 to 176 shall be omitted;

41. in rule 178, the proviso shall be omitted;

42. in rule 180, —

- (i) the words “or a Joint Select Committee” occurring in clauses (ii) and (iv) of sub-rule (1) shall be omitted;
- (ii) in the Explanation to sub-rule (2),
 - (a) after clause (i), the word “and” shall be inserted;
 - (b) clauses (ii) and (iii) shall be omitted;
 - (c) in clause (iv),
 - (i) the words “or the President” shall be omitted;
 - (ii) for the words and figures “Articles 200 and 201”, the word and figures “section 25” shall be substituted;

43. after rule 182, the heading “(N) Procedure for ratification of Amendments to the Constitution” and rule 183 occurring thereunder shall be omitted;

44. Chapter XV shall be omitted;

45. in rule 211, —

- (i) for the words “the Vidhan Bhavan”, wherever they occur, the words “the Precincts of the House” shall be substituted;
- (iii) the word “Lucknow” shall be omitted;

46. in rule 224, for figures “15”, the figure “6” shall be substituted;

47. in rule 230, —

- (i) in sub-rule (1), for the words “the State”, wherever it occurs, the words “the Union Territory” shall be substituted;
- (ii) in sub-rule (2), for the figures “21” the figure “6” shall be substituted;

48. in rule 231, for the words “the State”, the words “the Union Territory” shall be substituted;

49. in rule 232 in sub-rule (2), for the word “twenty-five”, the word “six” shall be substituted;

50. in rule 234, for the figures “15”, the figure “6” shall be substituted;

51. in rule 235, for the figures “15”, the figure “6” shall be substituted;

52. in rule 237, in clause (iii), in sub-clause (c), for the words “by the Union or State Government”, the words “by the Central Government or the Government of the Union territory” shall be substituted;

53. in rule 238, for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) Every petition shall be in the language in which the Assembly transacts its business under sub-

-section (2) of section 34 and if it is made in any other language, it shall be accompanied by a translation in the language used for the transaction of the business in the Assembly, and shall be signed by the petitioner”;

54. in rule 245, —

- (i) for the figures “15”, the figure “6” shall be substituted;
- (ii) for the words “the Constitution”, the words “the Act” shall be substituted;

55. in rule 246, —

- (i) in clauses (i) and (vii) between the words “the Constitution” and the words “or the Act”, the words and figures “or the Government of Union Territories Act, 1963” shall be inserted;
- (ii) in clause (v), for the words “the Constitution or the Act” the words and figures “the Constitution or the Government of Union Territories Act, 1963 or the Act pursuant to which it is made” shall be substituted;
- (iii) in clause (vi), for the words “the State”, the words “the Union Territory” shall be substituted;

56. in rule 248, for the figures “15”, the figure “6” shall be substituted;

57. in rule 252, in sub-rule (2), —

- (i) for the figures “19”, the figure “8” shall be substituted;
- (ii) in clause (iii), for the words “seventeen or eighteen members”, the words “six or seven members” shall be substituted;

58. after rule 260, the heading “(J) Joint Select Committee” and rules 261 and 262 occurring thereunder shall be omitted;

59. in rule 263, for the figure “10”, the figure “6” shall be substituted;

60. in rule 264, for the word “five”, the word “three” shall be substituted;

61. in rule 270, for the word, figures, letter and brackets “Article 179(c)”, the word, figures, letter and brackets “section 7(2) (c)” shall be substituted;

62. in rule 271, for the word, figures and brackets “Article 181(1)” and for the word, figures and brackets “Article 180(2)”, the words, figures and brackets “sub-section (1) of section 8” and the words, figures and brackets “sub-section (4) of section 7” shall respectively be substituted;

63. in rule 279, —

- (i) in sub-rule (1), for the words, figures and brackets “clause (4) of Article 190”, the words, figures and brackets “sub-section (3) of section 13” shall be substituted;
- (ii) in sub-rule (6), for the words, figures and brackets “Article 190(4)”, the words, figures and brackets “sub-section (3) of section 13” shall be substituted;

64. in Chapter XX, the heading "(A) Language of the Assembly" and rule 281 occurring thereunder shall be omitted;

65. in rule 289, in sub-rule (2), —

- (i) in clause (iv), after the word "State" the words "or of any Union Territory" shall be inserted;
- (ii) in clause (vi), after the word "Governor" the words "or any Administrator" shall be inserted;

66. in sub-rule (1) of rule 300, for the words "such Articles of the Constitution", the words "such Articles of the Constitution or such sections of the Act" shall be substituted;

67. in rule 302, in sub-rule (3), for the word "four". the word "ten" shall be substituted;

68. in rule 319, —

- (i) clause (vi) shall be omitted;

(ii) in clause (vii), for the words "President's /Governor's assent", the words "President's assent" shall be substituted;

(iii) in clauses (x) and (xxi), for the words "Select/Joint Select Committee", the words "Select Committee" shall be substituted;

69. in the Schedule:

- (a) for the words "Vidhan Sabha" wherever they occur, the words "Legislative Assembly", shall be substituted;
- (b) for the word "Lucknow", the word "Goa, Daman and Diu" shall be substituted.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. Balakrishnan

Secretary Law Department

Panjim, 20th December, 1963.